

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

DECALVIN RAPHIEL ET AL

CIVIL ACTION NO. 21-cv-3451

VERSUS

JUDGE ELIZABETH E. FOOTE

CSC OF ST TAMMANY PARISH INC, ET AL MAGISTRATE JUDGE HORNSBY

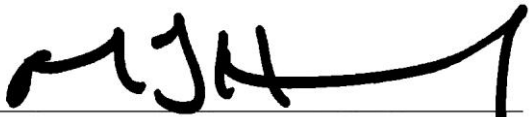
MEMORANDUM ORDER

DeCalvin and Gigi Raphiel (“Plaintiffs”), who are self-represented, filed this civil action against a long list of defendants including Nissan Motor Acceptance Company, LLC, CVC of St. Tammany Parish, Inc., Guardian Services, LLC, and several individuals. Plaintiffs previously filed a similar civil action in which they alleged that they purchased or leased a 2021 Nissan automobile, and the creditor who financed the acquisition repossessed the car. Plaintiffs complained about those events, as well as telephone calls to their home and issues related to the transaction. In the prior civil action, Raphiel v. Uchida, 21-cv-2489, Plaintiffs listed an address in New Orleans and gave no indication why they filed that action in the Western District of Louisiana. The court transferred venue of that action to the Eastern District of Louisiana.

Plaintiffs’ current action repeats essentially the same complaints about the repossession and telephone calls associated with the Nissan car. But they now allege that they lived in Shreveport at the time of some of the events. It is not clear from the complaint, however, where Plaintiffs lived when they received the phone calls or when the car was repossessed.

Even if Plaintiffs could allege facts to show that this is a proper venue under 28 U.S.C. § 1391(b), this court has the discretion, for the convenience of parties and witnesses, and in the interest of justice, to transfer this action to a district where it might have been brought. 28 U.S.C. § 1404(a). It appears likely, based on the two complaints that have been filed, that some substantial part of the events giving rise to the claim occurred in the New Orleans area. Even if most of the actions happened in Shreveport, which is impossible to discern from the current pleadings, it is in the interest of justice and serves the convenience of the parties and witnesses to transfer this civil action to the Eastern District of Louisiana where the virtually identical civil action is already pending. The list of defendants does not indicate that any of them are from the Shreveport area, but two are said to have addresses in Kenner and one has an address in Mandeville. Those defendants are located in the Eastern District of Louisiana, providing additional reason that a transfer of the case would serve the purposes of Section 1404(a). Accordingly, it is ordered that this civil action is transferred to the Eastern District of Louisiana pursuant to Section 1404(a).

THUS DONE AND SIGNED in Shreveport, Louisiana, this 1st day of October, 2021.



Mark L. Hornsby
U.S. Magistrate Judge